

## REMARKS

Claims 1-64 are pending in the application. Claim 1-64 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,442,285 to Rhoads et al.

Reconsideration is requested. No new matter is added. The rejections are traversed. Claims 1, 17, 35, and 45 are amended. Claims 14 and 57-64 are canceled. Claims 1-13 and 15-56 remain in the case for consideration.

### REJECTIONS UNDER 35 U.S.C. § 102(e)

Claim 11 is directed toward a broadcast receiver equipped to identify a performance on the broadcast receiver, the broadcast receiver comprising: a passive title receiver designed to passively receive a title of the performance without actively requesting the title of the performance; storage within the broadcast receiver for the title of the performance; title presentation means for presenting the title to a user; title selection means to toggle between a first part and second part of the title of the performance; and a performance receiver designed to receive the performance.

Claim 17 is directed toward a method for using a broadcast receiver equipped to identify a performance on the broadcast receiver, the method comprising: performing a performance; passively receiving a title of the performance without requesting the title of the performance; receiving a request to present the title of the performance; presenting a first part of the title of the performance; receiving a request to toggle between the first part of the title and a second part of the title of the performance; and presenting the second part of the title of the performance.

Claim 35 is directed toward a portable music device equipped to identify a performance on the portable music device, the portable music device comprising: storage within the portable music device for a title of the performance; title presentation means for presenting a first part of the title to a user; and title selection means to toggle between the first part and a second part of the title of the performance, so that the title presentation means is operative to present the second part of the title to the user.

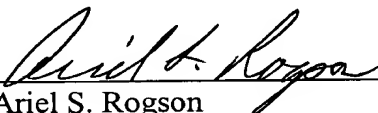
Claim 45 is directed toward a method for using a portable music device equipped to identify a performance on the portable music device, the method comprising: performing the performance with a title; receiving a request to present the title of the performance; presenting a first part of the title of the performance; receiving a request to toggle between the first part of the title and a second part of the title of the performance; and presenting the second part of the title of the performance.

Claim 1 has been amended to include the features of claim 14. Claims 17, 35, and 45 have been amended to include similar limitations as original claim 14. Although the Examiner has indicated that column 10, lines 3-21, discloses a title selection means, the text of Rhoads reads differently. Instead, that section of Rhoads describes a system for retrieving information from a database responsive to a query. In other words, the information being retrieved is not already in the watermark, and therefore is not a part of the watermark. Therefore, Rhoads only teaches presenting the entirety of the information in the watermark, not presenting different sections at the user's request. Accordingly, claim 1 is not anticipated by Rhoads, and therefore claim 1 is allowable. Because the remaining independent claims 17, 35, and 45 have been amended to include similar limitations, claims 17, 35, and 45 should also be allowable. As a result, all the claims remaining in the patent application should now be allowable.

Because claim 1 has been amended to include the features of claim 14, claim 1 as amended is identical in scope to original claim 14. The amendment to claim 1 therefore does not necessitate a new grounds for rejection (should the Examiner continue to reject claim 1), as the above argument would have applied to claim 14 had the features of claim 14 not been moved into claim 1.

For the foregoing reasons, reconsideration and allowance of claims 1-13 and 15-56 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,  
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